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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 MAR -3 PM 12:56
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ______ DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Gustavo TORRES-Morales,** **AKA: Gustavo Torres-Moraels** Defendant	Magistrate Docket No. '08 MJ 0644 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 28, 2008** within the Southern District of California, defendant, **Gustavo TORRES-Morales,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF MARCH, 2008

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Gustavo TORRES-Morales
AKA: Gustavo Torres-Moraels

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On February 28, 2008 at approximately 7:30 p.m., Border Patrol Agent J. Clare was performing his linewatch duties assigned to the Chula Vista Border Patrol Station area of operation when he was notified via service radio by the midnight scope operator of a group of suspected illegal aliens. The group was located in an area commonly referred to as "Murphy's Bowl." This area is located approximately one mile east of the Otay Mesa, California Port of Entry and one half mile north of the United States/Mexico International Boundary Fence. Upon arriving at the designated location Agent Clare conducted a brief search of the area and observed seven individuals attempting to conceal themselves in some thick brush. Agent Clare approached the individuals and identified himself as a United States Border Patrol Agent and questioned the individuals as to their nationality and country of citizenship, all of the subjects including the defendant **Gustavo TORRES-Morales, AKA: Gustavo Torres-Moraels** responded "Mexico". The subjects also stated they were not in possession of any immigration documents which would have allowed them to enter or remain in the United States legally. At approximately 8:00 p.m., all of the subjects were placed under arrest and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 11, 2006** through **El Centro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on March 1, 2008 at 10:00 a.m.

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 28, 2008**, in violation of Title **8**, United States Code, Section **1326**.

Cathy A. Bencivengo
United States Magistrate Judge

3/1/08 @ 10:55 am
Date/Time